

REMARKS

In the April 13, 2009 Final Office Action¹, the Examiner rejected claims 16, 19, 20, and 23-29 under 35 U.S.C. § 112, second paragraph (Office Action, pg 2), and allowed claims 6-9, 17, 18, and 21-23 ("Office Action Summary").

By this Amendment, Applicant proposes to cancel claim 24; amend claims 16, 19, 20, 23, and 25-29; and add new claim 30. Upon entry of this amendment, claims 6-9, 17-23, and 25-30 would be pending, and the 35 U.S.C. § 112 rejection of claim 24 would be rendered moot by the cancellation.

THE PENDING CLAIMS FULFILL THE REQUIREMENTS OF 35 U.S.C. § 112

In the Office Action, the Examiner rejected claims 16, 19, 20, and 23-29 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses these rejections. However, in order to advance prosecution Applicant proposes to amend claims 16, 19, 20, 23, and 25-29 and replace claim 24 with new claim 30. As amended, pending claims 6-9 and 17-30 fulfill the requirements of 35 U.S.C. § 112.

More specifically, Applicant proposes to amend claims 16 and 20 to further clarify that the sensor is subjected to the rotational vibration motion recited in independent claims 6 and 7, respectively. Further, Applicant proposes to amend claims 19, 23, and 25 to further clarify that the measurement value is calculated by measuring a motion

¹ The Final Office Action may contain a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

based on the rotational vibration motion recited in independent claims 6, 7, and 30, respectively.

Regarding Examiner's statement that claim 24 is not directed to elected Group I and Applicant should "submit a generic claim (which would include both rotational and linear motion)" (Office Action, pgs 2 and 3), Applicant proposes to replace claim 24 with new generic claim 30 that is directed to a method of measuring transverse sensitivity including "applying **vibration acceleration** to at least one sensor which is fixed, via a jig, on a uniaxial vibration generator for generating **vibration motion**, and which detects acceleration based on said vibration motion," as recited in claim 30 (emphasis added). Moreover, Applicant proposes to amend claim 25 to further clarify that the "vibration motion" recited in claim 30 could be based on at least "linear or rotational vibration motion."

For at least the foregoing reasons, Applicant respectfully request reconsideration and withdrawal of the 35 U.S.C. §112 rejection of claims 16, 19, 20, 23, and 25- 29, and requests the allowance of claims 6-9, 17-23, and 25-30.

CONCLUSION

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing the claims in condition for allowance. Applicant submits that the proposed amendments of the claims do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this Amendment should allow for immediate action by the Examiner.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 10, 2009

1837004_1

By: 

John M. Romary
Reg. No. 26,331